

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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Ronald Grier,

Plaintiff,

10 Civ. 5514 (ALC) (JCF)

- against -

ORDER ADOPTING REPORT
AND RECOMMENDATION

Mr. Anthony Chu, F.S.A. II;
Mr. David Williams, Head Cook,

Defendants.

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ANDREW L. CARTER, JR., United States District Judge:

On July 9, 2010, Plaintiff Ronald Grier brought this suit against the above-captioned Defendants pursuant to 42 U.S.C. § 1983, alleging that he sustained a severe burn injury while attempting to use a kettle in the Sing Sing Correctional Facility ("Sing Sing") kitchen. Plaintiff asserted claims against Defendants Anthony Chu and David Williams, two of his supervisors in the kitchen. Plaintiff Grier also claims that the injury caused him psychological harm, from which he still suffers.

This matter was referred to United States Magistrate Judge James C. Francis pursuant to an Order dated January 11, 2011. On January 14, 2011, Defendants moved to dismiss on the grounds

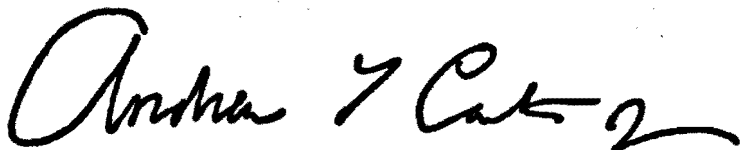
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that this Court lacked jurisdiction and that the pleadings failed to state a claim. The motion was treated as one for summary judgment and was granted in part and denied in part. (Report and Recommendation dated July 6, 2011, adopted by Order dated August 15, 2011). After the parties completed discovery, the Defendants moved for summary judgment, and the Plaintiff cross-moved.

After considering the motions, Magistrate Judge Francis issued a Report and Recommendation, dated June 25, 2012, in which he recommended that both Plaintiff and Defendants' motions for summary judgment be denied. Both Plaintiff and Defendants timely filed objections. For the reasons articulated in Judge Francis' sagacious Report and Recommendation, both parties' objections are overruled, and the Report and Recommendation is adopted in its entirety.

Dated: New York, New York
September 18, 2012

SO ORDERED.

A handwritten signature in black ink, appearing to read "Andrew L. Carter, Jr.", with a stylized flourish at the end.

Andrew L. Carter, Jr.
United States District Judge